

OCT 30 2008

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

SHAWNA B. REINHARDT,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Civil Action No. 7:08cv008

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

By: Judge James C. Turk

Senior United States District Judge

**ORDER**

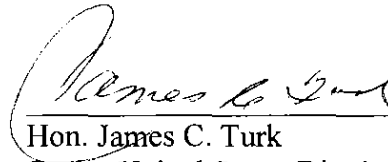
Plaintiff Shawna B. Reinhardt brings this action, pursuant to 42 U.S.C. § 1383(c)(3), incorporating 42 U.S.C. § 405(g), for review of the Commissioner of Social Security's final decision denying her claims for disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act. The Court referred the matter to United States Magistrate Judge Michael F. Urbanski for a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge subsequently filed a report, finding that the Administrative Law Judge ("ALJ") did not address a disability opinion from Plaintiff's treating physician, an incomplete state agency physician's records review was plainly inadequate, and additional relevant and material medical records were submitted to, but not considered by, the Appeals Council following the date of the ALJ's decision. The Magistrate Judge therefore recommended that the Court remand the case back to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative consideration consistent with the findings of the Report and Recommendation, including an appropriate evaluation and assessment of the disability opinions from Reinhardt's treating physicians not previously considered.

Following the issuance of the Report and Recommendation, the parties were entitled to note any objections within ten (10) days. Fed. R. Civ. P. 72(b) (2008). The Court has received no such objections. As a result, and having reviewed the Magistrate Judge's Report and Recommendation and pertinent portions of the record, the court agrees with the Magistrate Judge's recommendation. Accordingly, it is hereby

**ORDERED and ADJUDGED**

that the Magistrate Judge's Report and Recommendation is **ADOPTED** and the case be remanded to the Commissioner of Social Security for further consideration. The Clerk of Court is directed to send copies of this Order to counsel of record for all parties.

ENTER: This 30<sup>th</sup> day of October, 2008.

  
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Hon. James C. Turk  
Senior United States District Judge